



CANNON BUILDING  
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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	<b>Adult Entertainment Commission</b>
MEETING DATE AND TIME:	<b>Tuesday, December 1, 2009 at 2:00 p.m.</b>
PLACE:	Cannon Building, 861 Silver Lake Boulevard Conference Room A, Dover, Delaware 19904
MINUTES APPROVED:	04/22/10

**MEMBERS PRESENT**

James Nutter, Esq., Chairperson  
Maisha Britt, Public Member  
Curtis Larrimore, Public Member  
John Henry, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Andrew Kerber, Deputy Attorney General  
Renee' Holt, Administrative Specialist II  
Kay Warren, Deputy Director, Division of Professional Regulation

**ALSO PRESENT**

*Lt. William Crowdy, Delaware State Police*  
*Lt. Pete Sawyer, Delaware State Police*

**MEMBERS ABSENT**

Richard Chambers, Public Member

**CALL TO ORDER**

Mr. Nutter called the meeting to order at 2:10 p.m.

**REVIEW OF MINUTES FOR APPROVAL**

The Commission reviewed the minutes from the July 23, 2009 meeting. Mr. Kerber identified one correction. Mr. Larrimore made a motion to accept the change and approve the minutes, seconded by Ms. Britt. The motion was unanimously approved.

**NEW BUSINESS**

Review of Application for Licensure - There were no applications to review.

Review of Draft Application(s) for Retail Establishments –

Mr. Nutter moved to the review of the draft applications for review and approval. Mr. Kerber indicated the document was very well drafted and commented on the suggestions made by Ms. Miccio. Mr. Kerber complimented Ms. Miccio for the thoroughness of the documents and advised the Commission he would work with Ms. Holt to put the documents into a final draft

form, but didn't feel there would be any substantial changes made to the applications. Mr. Kerber advised the statute requires an Individual Certificate from each employee of an establishment and retail establishment employees will be required to submit an Individual Certificate as well. Mr. Kerber stated the Commission could revisit this requirement in the future if it is determined not to be necessary.

Mr. Nutter felt the application is more than sufficient and called for the Commission to approve the forms as a draft and review them in a final form at the January meeting. The motion was unanimously approved.

#### Rules and Regulations –

Mr. Nutter moved to review the rules and regulations to define “substantial portion” and then amend the draft application to incorporate the definition of substantial portion. Mr. Kerber drafted proposed language to define “substantial portion” and distributed to the Commission members. After further discussion, Mr. Larrimore made a motion to accept the submission Rules and Regulation 2.0, seconded by Mr. Henry. The motion was unanimously approved. As the newly approved rule and regulation must be published in the Register of Regulations and then noticed to the public for comment prior to the rule being adopted, Mr. Kerber suggested finalizing the application and making it available to the public and then updating the application when the rule is formally adopted.

#### Sunset Progress Report –

Mr. Kerber reviewed the report with the Commission. Mr. Kerber confirmed the Commission met the requirement of B2. Ms. Warren informed the Commission the Progress Report is due December 4. Mr. Kerber confirmed there are no rule and regulation changes regarding House Bill 36. Ms. Warren asked if the Commission would accept the report as presented so it could be forwarded to the Joint Sunset Committee. The Commission unanimously approved to submit the progress report as presented by Ms. Warren.

#### Election of Chairperson –

Mr. Larrimore nominated Mr. Nutter as chairperson. The Commission unanimously approved Mr. Nutter as Chairperson.

#### **OTHER BUSINESS BEFORE THE BOARD** (for discussion only)

Mr. Nutter recognized the law enforcement officers present and asked them to introduce themselves to the Commission.

Lt. William Crowdy addressed the Commission. Lt. Crowdy stated his position with the State Bureau of Investigation (SBI) – Criminal History Background checks. Lt. Crowdy explained to the Commission the process for a criminal history background checks.

Lt. Pete Sawyer addressed the Commission. Lt. Sawyer stated he has assumed the duties of Lt. Hastings, who previously worked with the Commission. Lt. Sawyer explained the different types of criminal history reports available to be performed by the State Police.

After discussion, the Commission confirmed utilizing the process used for other Boards and Commissions explained by Ms. Warren. Ms. Holt confirmed information is provided directly to the applicant to allow for release of the criminal history report directly to the Division of Professional Regulation. Ms. Holt will send a copy of the form and instructions currently in use by the other Boards and Commissions.

Mr. Nutter discussed mass distribution of the information regarding the new requirements being discussed. Mr. Kerber asked Ms. Warren for suggestions on the process for implementing mass distribution of information. After discussion, Mr. Nutter suggested the Commission focus

on completing the application and then addressing the information distribution. Mr. Nutter asked if the Commission could do a memo to the General Assembly to inform the constituents of the new application. Mr. Kerber agreed it was a great idea.

Ms. Warren suggested the Division prepare a draft letter for the meeting in January.

**PUBLIC COMMENT –** None

**NEXT SCHEDULED MEETING**

The next meeting will be held on January 28, 2010 at 2:00 p.m. in Conference Room A of the Cannon Building, 861 Silver Lake Blvd., Dover, DE, 19904.

**ADJOURNMENT**

Ms. Britt made a motion, seconded by Mr. Larrimore to adjourn. The motion unanimously carried. The meeting adjourned at 2:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Renee' M. Holt".

Renee' M. Holt  
Administrative Specialist II